



IN THE UNITED STATES DISTRICT COURT OF THE SOUTHERN  
DISTRICT OF MISSISSIPPI, SOUTHERN DIVISION

AUTUMN BROWN AND N.E.S., A MINOR,  
BY AND THROUGH HIS ADOPTIVE FATHER  
AND NEXT FRIEND RICHARD WELLS, AND  
RICHARD WELLS, INDIVIDUALLY

PLAINTIFFS

VS.

CIVIL ACTION NO.

1:21cv171 TBM-RPM

BELLSOUTH TELECOMMUNICATIONS, LLC

DEFENDANT

**COMPLAINT**  
**JURY TRIAL REQUESTED**

COMES NOW Autumn Brown and N.E.S., a Minor, by and through his adoptive father and next friend, Richard Wells, and Richard Wells Individually, by and through counsel, and for cause of action against the defendant, Bellsouth Telecommunications, LLC, states and alleges the following:

1.

Autumn Brown is an adult resident citizen of Gautier, Jackson County, Mississippi.

2.

N.E.S is a minor resident of Pascagoula, Jackson County, Mississippi, and resides with his adoptive father and next friend, Richard Wells, in Pascagoula, Jackson County, Mississippi.

3.

Richard Wells is an adult resident citizen of Pascagoula, Jackson County, Mississippi.

4.

Bellsouth Telecommunications, LLC is a foreign limited liability company organized under the laws of the State of Georgia but is licensed to do business in the State of Mississippi and that may be served with the process of this Court through its agent of process, CT Corporation

System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232. Bellsouth Telecommunications, LLC is a wholly owned subsidiary of AT&T, Inc. which is incorporated in Delaware and has its principal place of business at 295 N. Maple Avenue, Basking Ridge, New Jersey.

5.

This Court has jurisdiction of the parties and the subject matter of this action. Venue is proper as this civil action arises out of negligent acts and omissions committed in Jackson County, Mississippi and the cause of action alleged in this Complaint occurred and accrued in Jackson County, Mississippi, which is in the United States District Court for the Southern District of Mississippi, Southern Division. Jurisdiction is based on Diversity of Citizenship per 28 U.S.C §1332 in that the lawsuit involves citizens of different States and the amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interests and costs.

6.

On or about June 24, 2020, Autumn Brown was operating a vehicle in a northerly direction on Pascagoula Street in Pascagoula, Jackson County, Mississippi. At such time, she was stopped at a stop light at Pascagoula Street and U.S. Highway 80. At the same time, John J. Moran, III was operating a vehicle in an easterly direction on U.S. Highway 80 near its intersection with Pascagoula Street.

7.

When Autumn Brown's light turned green, she proceeded into the aforementioned intersection and the vehicle being operated by John J. Moran, III collided with her.

8.

At the time of the subject collision, N.E.S., a Minor, was a passenger in the vehicle being operated by Autumn Brown.

9.

At all times relevant hereto, John J. Moran, III was operating a vehicle owned and maintained by Bellsouth Telecommunications, LLC and was acting in the course and scope of his employment with Bellsouth Telecommunications, LLC and in furtherance of its business. As such, Bellsouth Telecommunications, LLC is vicariously liable for any and all negligent acts of John J. Moran, III under the theory of Respondeat Superior and/or vicarious liability as the employer of John J. Moran, III or owner and maintainer of the vehicle John J. Moran, III was operating at the time of the collision.

10.

Autumn Brown was operating her vehicle in a lawful and prudent manner at the time of the collision and was not negligent in the operation of her vehicle.

11.

The collision and resulting damages to Autumn Brown, N.E.S., a Minor, and Richard Wells were directly and proximately caused by the negligence of John J. Moran, III in the following ways:

- (a) Failing to obey the traffic signs;
- (b) Failing to keep his vehicle under reasonable and proper control;
- (c) Failing to keep a reasonable and proper lookout as he operated his vehicle;
- (d) Failing to yield the right of way;
- (e) Failing to obey traffic signals;
- (f) Failing to abide by the Rules of the Road;
- (g) Operating his vehicle in a careless and negligent manner;
- (h) Failing to give adequate warnings of a collision;

- (i) Causing his vehicle to collide into the Plaintiff; and/or,
- (j) Other acts of omission and commission to be named in a trial of this matter.

12.

As a result of John J. Moran, III's negligent acts and/or omissions, Autumn Brown has suffered past, present, and future medical expenses; past, present, and future loss of wages or wage-earning capacity; and past, present, and future pain and suffering and resulting emotional distress and mental anguish.

13.

As a result of John J. Moran, III's negligent acts and/or omissions, N.E.S., a Minor, has suffered past, present, and future medical expenses; past, present, and future loss of wages or wage-earning capacity; and past, present, and future pain and suffering and resulting emotional distress and mental anguish.

14.

As a result of John J. Moran, III's negligent acts and/or omissions, Richard Wells has suffered past, present, and future medical expenses.

15.

Based on the foregoing, Autumn Brown N.E.S., a Minor, and Richard Wells request an award of damages including but not limited to the following:

1. past, present, and future pain and suffering and resulting emotional distress and mental anguish;
2. past, present, and future loss of wages or wage earning capacity;
3. past medical expenses;
4. future medical expenses;

5. property damages;
6. Pre-judgment interest;
7. Post-judgment interest; and,
8. All costs of court.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs, Autumn Brown and N.E.S., a Minor, by and through his adoptive father and next friend, Richard Wells, and Richard Wells Individually, demand judgment against Bellsouth Telecommunications, LLC in an amount in excess of the jurisdictional minimum of this court and to be determined by a jury to adequately compensate the plaintiffs for their injuries; pre-judgment and post-judgment interest; their costs in pursuing this lawsuit; and any other relief to which they may be entitled under Mississippi Law.

RESPECTFULLY SUBMITTED, this the 21<sup>st</sup> day of May, 2021.

AUTUMN BROWN AND N.E.S., A MINOR, BY  
AND THROUGH HIS ADOPTIVE FATHER AND  
NEXT FRIEND, RICHARD WELLS, AND  
RICHARD WELLS INDIVIDUALLY

BY:   
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